

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00192

Cathy Haynes,
Plaintiff,

v.

Turner Bass & Associates et al.,
Defendants.

ORDER

This case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 10. The magistrate judge issued a report on February 24, 2023, recommending that the remaining claims be dismissed. Doc. 57.

Plaintiff objected to that report. Doc. 59. The court reviews objected-to portions of a magistrate judge's report and recommendation de novo. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1).

Specifically, plaintiff objects to the report's finding that she lacks standing to pursue an ADA claim. Plaintiff argues that she has standing because she suffered a concrete injury. But standing requires more than injury alone. To have standing, a plaintiff must also show that a favorable decision would redress the injury. The only available relief for the ADA claim is injunctive relief. 42 U.S.C. § 12188(a)(1).

Injunctive relief is not likely to redress plaintiff's alleged injury, identified as the loss of property sometime between 2005 and 2018. Plaintiff has not shown a continuing or future injury that could be remedied by injunctive relief. She therefore has not satisfied the redressability requirement of standing. *Stringer v. Whitley*, 942 F.3d 715, 721 (5th Cir. 2019). Because she has not established standing for the ADA claim, the court dismisses that claim for lack of jurisdiction.

Plaintiff also asserts that the court should maintain jurisdiction over the remaining state-law claims. All claims brought pursuant to

federal law have been dismissed; the court may thus decline to exercise supplemental jurisdiction over state claims. 28 U.S.C. § 1367(c). At this stage of the proceedings, resources have not yet been devoted to consideration of the state-law claims. It is therefore appropriate to decline the exercise of supplemental jurisdiction.

Having reviewed the magistrate judge's report de novo and being satisfied that it contains no error, the court overrules plaintiff's objections and accepts the report's findings and recommendations. The court dismisses the remaining claims without prejudice for lack of subject-matter jurisdiction.

So ordered by the court on April 20, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge